

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION**

JOHN M. PITMAN, III

and

PENINSULA PLASTIC SURGERY CENTER, LTD

Plaintiffs,

V.

XCENTRIC VENTURES, LLC

and

EDWARD MAGEDSON

and

DARREN M. MEADE

and

TRACEY A. RICHTER

and

ANNA RICHTER

and

BERT PITMAN (a/k/a BERT RICHTER)

Defendants.

Civil Action No.:
4:16-cv-00179-HCM-DEM

**REPLY MEMORANDUM IN SUPPORT OF MOTION TO REMAND AND MOTION
TO STRIKE AFFIDAVIT OF EDWARD MAGEDSON**

Plaintiffs, John M. Pitman and Peninsula Plastic Surgery Center, LTD. (collectively the “Plaintiffs”), by counsel, submit as follows for their Reply Memorandum in Support of their Motion to Remand and Motion to Strike Affidavit of Edward Magedson.

1. Defendant Xcentric Ventures, LLC (“Xcentric”) removed this action to federal court on December 7, 2016. [Dkt. No. 1]. Plaintiffs filed their Motion to Remand on December 19, 2016. [Dkt. No. 7].

2. On January 3, 2016, Xcentric filed its Response to Motion to Remand and Motion to Strike whereby it indicated that it does not oppose remanding this action to state court. [Dkt. No. 20].

3. It appears from the recent filings that remand is appropriate and unopposed. Plaintiffs concur with Xcentric that granting the Motion to Remand renders the Motion to Strike moot.

4. Attached to this Memorandum is a proposed Order to Remand granting the relief sought in Plaintiffs’ Motion to Remand.

WHEREFORE, Plaintiffs respectfully request that this Court enter the attached Order to Remand and remand this action to the Circuit Court for Williamsburg/James City County, Virginia.

Respectfully submitted,
JOHN M. PITMAN, III, and
PENINSULA PLASTIC SURGERY
CENTER, LTD

By: /s/ Aaron Balla Houchens
Of Counsel

Aaron B. Houchens, Esq. (VSB #80489)
STANLEY & HOUCHEMS, LLC
13508 Booker T. Washington Hwy.
Moneta, Virginia 24121
540-721-6028 (telephone)
540-721-6405 (facsimile)
ahouchens@shg-law.com

Stephen M. Smith, Esq. (VSB #14362)
Seth D. Scott, Esq. (VSB #80907)
David B. Holt, Esq. (VSB #65564)
THE SMITH LAW CENTER
2100 Kecoughtan Road
Hampton, Virginia 23661
757-244-7000 (telephone)
757-245-7740 (facsimile)
ssmith@braininjurylawcenter.com
sscott@attorneys4injured.com
dholt@attorneys4injured.com

Counsel for Plaintiffs John M. Pitman, III and Peninsula Plastic Surgery Center, LTD.

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of January, 2017, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

David A. Warrington, Esq.
LeClairRyan
2318 Mill Road, Suite 1100
Alexandria, Virginia 22314
Phone: (703) 647-5926
Fax: (703) 647-5966
david.warrington@leclairryan.com
Counsel for Defendant Xcentric Ventures, LLC

And I hereby certify that I will mail the document by U.S. mail to the following non-filing users:

Thomas K. Norment, Esq.
Kaufman & Canoles
4801 Courthouse Street, Suite 300
Williamsburg, Virginia 23188
(757) 259-3835 (Tel.)
(888) 360-9092 (Fax)
tknorment@kaufcan.com
(also provided with a copy of the NEF accompanying this filing)
Counsel for Defendants Anna Richter and Bert Pitman

Tracey A. Richter
Iowa Correctional Institution for Women
420 Mill Street SW
Mitchellville, Iowa 50169
(also provided with a copy of the NEF accompanying this filing)
Defendant, Pro Se

/s/ Aaron Balla Houchens
Aaron B. Houchens, Esq. (VSB #80489)
STANLEY & HOUCHENS, LLC
13508 Booker T. Washington Hwy.
Moneta, Virginia 24121
540-721-6028 (telephone)
540-721-6405 (facsimile)
ahouchens@shg-law.com